IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1284 of 2005

Between:

1 Ganta Satyanarayana, s/o Atchutaramayya,
Timmapuram Village.
2 Smt.Ganta Nagalaxmi, w/o Nageswara Rao,
Timmapuram Village.
3 Boyapati Narasimha Rao, s/o Ramulu,
M.Nagulapalli Village.
4 Malladi Siddiraju, s/o Venkayya,
Thimmapuram Village.
5 Mullapudi Raja Rao, s/o Simhachalam,
Venkatakrishnapuram Village All the petitioners are residents of the above villages of Dwaraka Tirumala Mandal, W.G.District.

..... PETITIONERS

AND

1 The Eastern Power Distribution Corporation of A.P.Ltd., rep., by its Superintendent Engineer (Operation)
Eluru, West Godavari District.
2 The Divisional Electrical Engineer (Operation), Eluru, West Godavari District.
3 The Asst.Divisional Engineer (Operation), Bheemadolu, Bheemadolu (M),
West Godavari District.
4 The Addl.Assistant Engineer, (Operation), A.P.Transco, Dwaraka Tirumala, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ order or direction declaring the action of the respondents in not releasing the agricultural electrical service connections to the petitioners as per the sanction orders issued by the 2nd

respondents as illegal, arbitrary and unconstitutional and issue consequential direction to the respondents to release the same forthwith and pass such other order or orders.

Counsel for the Petitioners :MR. S. APPADHARA REDDY

Counsel for the Respondents: MR.M.SREERAMULU REDDY, Learned Standing Counsel.

The Court, at the stage of admission, made the following :

ORAL ORDER:

The petitioners are agriculturists from West Godavari District. They have applied for sanction of electric supply under the 'tatkal' scheme, introduced by the respondents. The scheme contemplates supply of electricity through three phase, on turn basis, and the consumption charges are to be collected on the basis of readings in the meter. The petitioners were sanctioned power supply by the respondents herein, on being satisfied that they fulfilled the necessary conditions. The petitioners also claim to have established the necessary infrastructure to avail the facility. They complain that though the sanction was accorded long back and the necessary infrastructure is provided, the respondents are not releasing the power supply.

Writ Petitions with similar allegations and contentions were filed before this Court on earlier occasion. Learned Standing Counsel has placed before this Court the statistics as to the number of services to be provided in each district for agriculturists. It was evident that the quota in West Godavari District has not yet been exhausted.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

The petitioners had applied for sanction of electricity supply under 'tatkal' scheme. On finding that they fulfilled the requisite conditions, the competent

authority sanctioned the same. Acting upon the sanction letters, the petitioners have established the necessary infrastructure and paid the necessary amounts. It is not as if the scheme has since been revised. Even where the Government had changed its policy, it can only operate prospectively, and it does not have the effect of taking away the rights of the citizens in whose favour the sanction was already accorded. The petitioners claim that on account of the delay they are sustaining heavy losses and are unable to irrigate their crops.

Hence, the writ petition is disposed of directing the respondents to release the power supply, in accordance with the sanction orders passed in favour of the respective petitioners, within two weeks from the date of receipt of a copy of this order. If the petitioners are yet to comply with any conditions, the respondents shall intimate of the same, without any further delay. No order as to costs.

1.2.2005

CVM

To,

1 The Eastern Power Distribution Corporation of A.P.Ltd., rep., by its Superintendent Engineer (Operation)
Eluru, West Godavari District.
2 The Divisional Electrical Engineer (Operation), Eluru, West Godavari District.
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